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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,641	04/15/2004	Scott C. Olive	273402005400	1431
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MORRISON & FOERSTER LLP 755 PAGE MILL RD PALO ALTO, CA 94304-1018			EXAMINER LEUNG, JENNIFER	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 05/07/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/826,641

Applicant(s)

OLIVE, SCOTT C.

Examiner

Jennifer Leung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

This Office Action is in response to the Remarks filed 3/27/2007 in which claims 1-21 are pending.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-3, 5-6, 10-11, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirk (GB 2,083,935) in view of Adams (US 2003/0114215).**

Re claim 1: Kirk discloses a spinning reel type gaming machine (Figs. 1-2), the gaming machine providing a base game in which images of symbols are spun up on a plurality of reels to present on a display a matrix of symbols (Fig. 2) and, if a winning event occurs in the base game, including the occurrence of a winning combination of symbols along at least one of the pay lines, the gaming machine awards a prize (Page 2, lines 30-35), and wherein on the occurrence of a bonus feature triggering event during play of the base game (Page 2, lines 35-37), the gaming machine provides at least one bonus feature (Page 1, lines 83-90), and wherein a player of the gaming machine is constrained to wager a single amount on each play of the base game without choice of

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other wagering options (Page 2, lines 20-27), the wager providing eligibility to all pay lines of the game and eligibility to the at least one bonus feature (Page 2, lines 20-46).

However, Kirk fails to disclose a non-square matrix of symbols, and in which at least five distinct pay lines are defined across the reels. Adams discloses such (Fig. 3; Para. 0009).

Therefore, in view of Adams, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the aforementioned limitations in order to vary the display, the number of reels, and the number of pay lines. Another motivation to combine Kirk and Adams is that wagering on modern multi-line gaming machines can be time consuming. Therefore, it would be convenient to players to simplify the process by allowing players to bet on all pay lines with a single wager as disclosed in paragraphs 0007 and 0009 of Adams.

Re claims 2, 5, 11, 15, and 18: Kirk discloses wherein there is only one button which initiates a play of the base game (Page 2, line 26).

Re claim 3: Kirk discloses a spinning reel type gaming machine as claimed in claim 1 wherein the display is a video display unit displaying simulations of spinning reels (Page 1, lines 69-71).

Re claims 6 and 16: Kirk discloses "gamble" (Page 2, line 26), "take win" (Page 2, line 25-6), "collect", or "reserve" (Page 1, line 39) buttons.

Re claims 10 and 17: Kirk discloses a gaming machine having a display (Fig. 2) and a game controller arranged to control images displayed on the display (Page 2, lines 20-25), the gaming machine being arranged to play an underlying game in which a prize is paid when a predetermined combination of symbols is displayed in a predetermined arrangement of symbol locations displayed on the display (Page 2, lines 30-35), and wherein a player is constrained to wager a single amount on each play of the underlying game (Page 2, lines 20-27) which provides eligibility to win the prize for all arrangements of symbol locations for which the prize may be paid, as well as eligibility to at least one bonus feature provided in the game (Page 1, lines 83-90) without choice of other wagering options (Page 2, lines 20-46).

However, Kirk fails to disclose arranged to display on the display a plurality of symbols in an array of  $n$  rows and  $m$  columns, where  $n$  and  $m$  are at least 3 and unequal, and there being at least five arrangements of symbol locations for which the prize may be paid. Adams discloses such (Fig. 3; Para. 0009).

Therefore, in view of Adams, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the aforementioned limitations in order to vary the display, the number of reels, and the number of pay lines. Another motivation to combine Kirk and Adams is that wagering on modern multi-line gaming machines can be time consuming. Therefore, it would be convenient to players to simplify the process by allowing players to bet on all pay lines with a single wager as disclosed in paragraphs 0007 and 0009 of Adams.

**7. Claims 4, 7-9, 12-14, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirk/Adams, and further in view of Vancura (US 6,033,307). The teachings of Kirk/Adams have been discussed above.**

Re Claim 4, 12, and 19: Kirk/Adams fails to disclose that the bonus game contains a progressive prize.

Vancura teaches a bonus game (20) with a progressive jackpot award (Fig. 1; Col. 13, Lines 1-20).

Therefore, in view of Vancura, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kirk/Adams' gaming machine to include a progressive jackpot prize for players who participate in the bonus rounds in order to increase a player's excitement and interest in the gaming machine and its bonus features due to a larger jackpot.

Re Claim 7-9, 13-14, and 20-21: Kirk/Adams fails to disclose that the bonus game is a series of free games/plays and that the winnings in the bonus rounds are increased compared to the payouts in the underlying game.

Vancura teaches a bonus game (20) that is played until a losing symbol appears in the bonus game and the bonus game offers multipliers and increased winnings for the player (Fig. 1; Col. 11, Lines 7-10; Col. 13, Lines 66-67; Col. 14, Lines 1-3).

Therefore, in view of Vancura, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kirk/Adams' gaming machine to include a series of free rounds/games offering increased winnings and multipliers in order to increase a player's interest and prolonged gaming activity at the gaming machine due to the opportunity to win a higher payout from the bonus games.

### ***Response to Arguments***

3. Applicant's amendments to the abstract, specification, and claims filed on 3/27/2007 have been considered and the objections to them have been withdrawn.

4. Applicant's arguments filed 3/27/2007 have been fully considered but they are not persuasive. Applicant states on page 11, that the start/spin, gamble, take win, collect, and reserve buttons are not disclosed. However, claims 6 and 16 use "or", not "and" when referring to the buttons. Therefore, only one of these features is required to be met by the prior art.

5. Applicant's arguments filed 3/27/2007 have been fully considered but they are not persuasive. Applicant states on pages 13-14, that one would not use disclosures such as Kirk because modern multi-line gaming machines usually require the player purchase each pay line they want to play. However, Adams discloses a modern multi-line gaming machine that does allow the player to activate all pay lines with a single wager because it is less time consuming (paras. 0007 and 0009). Therefore, there is

motivation to combine both Kirk and Adams. Thus rendering applicant's argument unpersuasive.

6. Applicant's arguments with respect to claim 1-21 have been considered but are moot in view of the new ground(s) of rejection. The new rejections address the amendments to the previously presented claims.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ainsworth discloses a gaming machine.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.





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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Leung whose telephone number is 571-270-1342. The examiner can normally be reached on Mon -Thur, every other Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jennifer Leung  
May 1, 2007

  
Robert E. Pezzuto  
Supervisory Patent Examiner  
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